THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11215 of 2004, WP No.11515 of 2004,
WP No.11501 of 2004, WP No.11514 of 2004,
and WP No.11513 of 2004

Dated:12.06.2007

W.P No.11215 of 2004

Between
The Municipal Corporation of Kurnool
Rep., by its Commissioner K.Vijaya Lakshmi
Kurnool.

.....Petitioner

and

A.Padma Reddy and another.

…Respondents

WP NO.11515 of 2004

Between
The Municipal Corporation of Kurnool
Rep., by its Commissioner K.Vijaya Lakshmi
Kurnool.

..Petitioner

and

1.M.Gangadhar and another.

..Respondents

W.P.No.11501 of 2004

Between
The Municipal Corporation of Kurnool
Rep., by its Commissioner K.Vijaya Lakshmi
Kurnool.

..Petitioner

and

1.S.Ibrahim Saheb and another.

..Respondents

W.P.No.11514 of 2004

Between

The Municipal Corporation of Kurnool
Rep., by its Commissioner K.Vijaya Lakshmi
Kurnool.

..Petitioner

and

1.Chinna Laxamma and another.

..Respondents

WP NO.11513 OF 2004

Between

The Municipal Corporation of Kurnool
Rep., by its Commissioner K.Vijaya Lakshmi
Kurnool.

..Petitioner

and

1.U.Lakshmana Swamy and another.

..Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11215 of 2004, WP No.11515 of 2004, WP No.11501 of 2004, WP No.11514 of 2004, and WP No.11513 of 2004

COMMON ORDER:

In all these writ petitions common questions of fact and law arise for consideration. Therefore, all the writ petitions are disposed of by this common order.

It appears that a preliminary issue was raised by the petitioner Management saying that the respondents are not 'workmen' within the meaning of Industrial Disputes Act, 1947, therefore, the dispute raised by them before the Labour Court was not maintainable. A prima facie finding was given by the Labour Court holding that the respondents were workmen within the meaning of the Industrial

Disputes Act, therefore, the dispute was maintainable. Aggrieved by the same, the present writ petitions are filed.

In the present writ petitions, the petitioner-Management has raised a question as to whether filing of form-K4 is mandatory or directory for the purpose of raising a dispute. It is well settled and a Division Bench of this Court held that Form-K4 is not mandatory at all and it is only directory.

Under these circumstances, I am of the opinion that nothing remain in the writ petitions for further adjudication and the matters need to be remanded to the Labour Court for its consideration on all the issues.

Therefore, the labour Court is directed to decide all the issues finally and pass appropriate orders within a period of four months from the date of receipt of a copy of this order.

With the above direction, all the writ petitions are disposed of . No costs.

12-06-2007

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